

## STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

Montpelier (Dog River Road) Wastewater Treatment Facility (Permit #3-1207)	Docket No. 138-10-17 Vtec
Alburgh (US Route 2) Wastewater Treatment Facility (Permit #3-1180)	Docket No. 139-10-17 Vtec
St. Albans (NW Correctional Facility) Wastewater Treatment Facility (Permit #3-1260)	Docket No. 140-10-17 Vtec
S. Burlington (Bartlett Bay) Wastewater Treatment Facility (Permit #3-1284)	Docket No. 141-10-17 Vtec
St. Albans (Rewes Drive) Wastewater Treatment Facility (Permit #3-1279)	Docket No. 145-10-17 Vtec
Shelburne #1 (Crown Road) Wastewater Treatment Facility (Permit #3-1289)	Docket No. 146-10-17 Vtec
Shelburne #2 (Harbor Road) Wastewater Treatment Facility (Permit #3-1304)	Docket No. 4-1-18 Vtec
Williamstown Wastewater Treatment Facility (Permit #3-1176)	Docket No. 5-1-18 Vtec
Hinesburg (Lagoon Road) Wastewater Treatment Facility (Permit #3-1172)	Docket No. 17-2-18 Vtec

**Judgment Order**

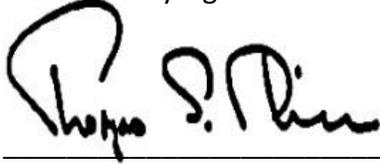
For the reasons set forth in the Decision on Summary Judgment Motions that accompanies this Judgment Order, the Court answers all three Questions presented by the Conservation Law Foundation in its Statement of Questions in the affirmative. As detailed in our Decision, we conclude that the WQBELs can, as a general matter, be identical to the WLAs within a TMDL and, in all of the above-referenced appeals, the WQBELs may be identical to the WLAs set forth in the 2016 TMDL. Further, we conclude that the WQBELs are not impermissible conditions subsequent. Finally, we conclude that ANR performed an adequate site-specific analysis of the assumptions underlying the effluent limits when issuing the permits presently on

appeal, and that those assumptions remain valid. Therefore, the summary judgment motions filed by the Agency of Natural Resources, the City of Montpelier, and the Towns of Hinesburg, Alburgh, and Shelburne are **GRANTED**. The summary judgment motion filed by CLF is **DENIED**.

For these reasons, we **AFFIRM** ANR's issuance of the above-referenced permits.

This concludes the matter before the Court.

Electronically signed on February 1, 2019 at Brattleboro, Vermont, pursuant to V.R.E.F. 7(d).

A handwritten signature in black ink, appearing to read "Thomas S. Durkin", written over a horizontal line.

Thomas S. Durkin, Superior Judge  
Environmental Division

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